

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DAVID J. MILLER)	CASE NO.: 1:06CV544
)	
Petitioner,)	JUDGE JOHN ADAMS
)	
v.)	
)	
STUART HUDSON,)	<u>MEMORANDUM OF OPINION</u>
Warden,)	<u>AND ORDER RE: DISMISSING</u>
)	<u>PETITIONER'S APPLICATION</u>
Respondent.)	<u>FOR WRIT OF HABEAS CORPUS</u>

David J. Miller filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his sentence on his conviction for felonious assault and child endangering.

On May 4, 2006, the case was referred to Magistrate Judge Kenneth S. McHargh for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and Local Rule 72.2(b)(2). *See* Order (Doc. 5). On June 27, 2007, the Magistrate Judge submitted a Report and Recommendation (Doc. 12) to this court, recommending that the petition be denied.

Fed. R. Civ. P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but neither party has filed any such objections. Therefore, the Court must assume that the parties are satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *Howard v. Sec'y of Health and Human*

Servs., 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the Magistrate Judge is hereby adopted. David Miller's Petition for a Writ of Habeas Corpus will be dismissed.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

August 22, 2007
Date

s/ John R. Adams
John R. Adams
U.S. District Judge